

CITY COUNCIL AGENDA

MAY 3, 2005

SYNOPSIS

LINDA J. LE ZOTTE
FORREST WILLIAMS
CINDY CHAVEZ, VICE MAYOR
CHUCK REED
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER
VACANT
DAVID D. CORTESE
JUDY CHIRCO
NANCY PYLE

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Economic and Neighborhood Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Recreation and Cultural Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Aviation Services*** — Provide for the air transportation needs of the community and the region at levels that are acceptable to the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item/s that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Ron Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there are three lights located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas and Staff Reports for City Council items may be viewed on the Internet at www.sanjoseca.gov/clerk/agenda.htm

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call 1 (408) 277-4424 or 1 (408) 998-5299 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**
9:32 a.m. - Closed Session, Room 600, City Hall
Absent – Council Members: None.
1:38 p.m. - Regular Session, Council Chambers, City Hall
Absent – Council Members: None.
7:09 p.m. - Public Hearings, Council Chambers, City Hall
Absent – Council Members: None.
- **Invocation (District 5)**
Yosimar Reyes, a feature poet and student at the Latino College Preparatory Academy.
- **Pledge of Allegiance**
Mayor Gonzales led the Pledge of Allegiance.
- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved with the deferrals of Item 3.2(g)(1) to 5/10/05 and Items 1.9, 2.6 and 4.5 to 5/17/05.

1 CEREMONIAL ITEMS

- 1.1** Presentation of a commendation to CourseCo, Inc. for Los Lagos Golf Course and to Superintendent Alan Andreasen for being honored with the Environmental Leader in Golf Chapter Award. (LeZotte)
(Deferred from 4/5/05 – Item 1.3)
Mayor Gonzales was joined at the podium by Council Member LeZotte to present a commendation to President Tom Isaac and Superintendent Alan Andreasen of CourseCo, Inc. for the Los Lagos Course being honored with the Environmental Leader in Golf Chapter Award. Mr. Isaac thanked the Council for their commendation.

1 CEREMONIAL ITEMS

- 1.2 Presentation of a proclamation declaring May as Older American's Month in the City of San José. (Mayor/LeZotte)
Council Member LeZotte and Mayor Gonzales presented a proclamation declaring the month of May as Older American's Month in the City of San José.
- 1.3 Presentation of a commendation to the California Theatre Team for its exemplary dedication and invaluable contributions to the City organization. (Mayor/Redevelopment Agency)
Mayor Gonzales and Assistant Executive Director Sharon Landers presented a commendation to Redevelopment Agency Director Bill Ekern, Project Manager Bob Ruff, and Project Manager Sharon Jones of the California Theatre Team for their contributions to the community and City organization.
- 1.4 Presentation of commendations in recognition for being "Green Businesses." (Environmental Services)
Mayor Gonzales and Council Member LeZotte presented commendations to Anderson Brulee, Canon Business Inc., PowerFlare Systems, Big Sky Construction and Design, Santa Clara Valley Water District, and Shaw Environmental Inc., in recognition for being honored with the title of, "Green Businesses".
- 1.5 Presentation of a proclamation designating May 14-21, 2005 as Affordable Housing Week. (Housing)
Mayor Gonzales was joined by Director of Housing Leslye Corsiglia to accept the proclamation designating May 14-21, 2005 as Affordable Housing Week.
- 1.6 Swearing-in ceremony for District 5 Youth Commissioner, Evelyn Rojas. (City Clerk)
HEARD IN THE EVENING
City Clerk Lee Price administered the oath of office to District 5's Youth Commissioner, Evelyn Rojas.
- 1.7 Presentation of a commendation to Robert Jacobvitz for service to the community. (Reed)
HEARD IN THE EVENING
Mayor Gonzales and Council Member Reed presented a commendation to Robert Jacobvitz for service to the community.
- 1.8 Presentation of a commendation to Meredith Hinz, a sixth grader at St. Francis Cabrini, and Caryn Hreha, a fifth grader at Simonds Elementary School, each of whom contributed 10 inches of their hair to the "Locks of Love" organization, which provides hairpieces to financially disadvantaged children suffering from long term medical hair loss. (Pyle)
(Rules Committee referral 4/27/05)
HEARD IN THE EVENING
Council Member Nancy Pyle joined Mayor Gonzales at the podium to present a commendation to Meredith Hinz and Caryn Hreha for contributing 10 inches of their hair to the "Locks of Love" organization.

1 CEREMONIAL ITEMS

- 1.9 Presentation of a commendation to San José Medical Coalition for its exemplary dedication and invaluable contribution to the San José community. (Mayor/Chavez)
(Orders of the Day)
Deferred to 5/17/05.

2 CONSENT CALENDAR

Notice to the public: There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Consent Calendar and considered separately.

- 2.1 **Approval of Minutes.**
None.

- 2.2 **Final adoption of ordinances.**

- (a) ORD. NO. 27406 – Rezones certain real property situated at the northeast corner of Bonita Avenue and Sunny Court (370 Bonita Avenue) to A(PD) Planned Development Zoning District. PDC05-006
Ordinance No. 27406 adopted.

- 2.3 **Approval of appropriation action for the Library.**

Recommendation: Adoption of the following appropriation ordinance and funding source resolution amendments in the Gift Trust Fund:

- (a) Increase the Library General Gifts appropriation to the Library Department by \$31,975.
(b) Increase the estimate for Earned Revenue by \$31,975.

CEQA: Not a Project. (City Manager's Office)

Ordinance No. 27416 adopted.
Resolution No. 72641 adopted.

2 CONSENT CALENDAR

2.4 Approval of actions for the Willow Glen Business Improvement District.

Recommendation:

- (a) Set a public meeting on June 7, 2005 at 1:30 p.m. to consider adoption of a resolution of intention to levy increased assessments in the Willow Glen Business Improvement District for Fiscal Year 2005-2006;
- (b) Set a public hearing on June 28, 2005 at 1:30 p.m. on the levy of increased assessments for FY 2005-2006; and
- (c) Direct the City Clerk to publish the required notice of the public meeting and public hearing.

CEQA: Exempt, PP03-05-165. Council District 6. (Economic Development)

Approved.

2.5 Approval of open purchase orders for the purchase of supplies, materials, equipment and services.

Recommendation: Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2004-2005 #15 and authorization for the Director of Finance to execute the purchase orders. CEQA: See memo for CEQA designation(s). (Finance)

Approved.

2.6 Approval to amend the City's affordable housing development program.

Recommendation: Adoption of a resolution approving amendments to the project selection system for the City's affordable housing development program to:

- (a) Add senior, adaptive re-use, and acquisition/rehabilitation developments as eligible housing projects;
- (b) Add as an additional application threshold a requirement that a minimum percentage of the units in each project be affordable to extremely low-income households; and
- (c) Convert from a funding-round process to an over-the-counter application process.

CEQA: Not a Project. SNI: All. (Housing)

Deferred to 5/17/05.

2.7 Approval to submit a grant application for the *Gateways to Literacy Project*.

Recommendation: Adoption of a resolution authorizing the City Manager to submit a Library Services and Technology Act (LSTA) grant application to the California State Library, requesting \$113,704 to fund the *Gateways to Literacy Project*, which would increase services at the Branch Libraries for low-level literacy adults and their families, and connect more adults with the formal literacy services of the Library's Partners in Reading Program, and to execute all documents related to the application, and to accept the grant if awarded. CEQA: Not a Project. (Library)

Resolution No. 72642 adopted.

2 CONSENT CALENDAR

2.8 Approval to amend the Administrative Citation Schedule of Fines.

Recommendation: Adoption of a resolution amending the Administrative Citation Schedule of Fines to increase the fine for a violation of Municipal Code Section 9.10.550, subsection B (for improperly covering solid waste for transport), from \$25 to \$271, to take effect June 1, 2005. CEQA: Not a Project. SNI: All. (Parks, Recreation and Neighborhood Services)

Resolution No. 72643 adopted.

2.9 Approval of actions initiating an historic landmark.

Recommendation: Adoption of a resolution to:

- (a) Initiate proceedings to consider the John C. Morrill House, located at 897 Jackson Street, as a landmark of special historic, architectural, cultural, aesthetic or engineering interest or value of a historic nature.
- (b) Set a public hearing on June 28, 2005, at 1:30 p.m.
- (c) Refer the matter back to the Historic Landmarks Commission for its consideration at a public hearing, report and recommendation.

CEQA: Exempt, File No. HL05-151. Council District 3. (Planning, Building and Code Enforcement)

Resolution No. 72644 adopted.

2.10 Approval to amend an agreement for the Dr. Roberto Cruz Alum Rock Branch Library.

Recommendation: Approval of a first amendment to the agreement with Franco Associates Architects for architectural services for the Dr. Roberto Cruz Alum Rock Branch Library, extending the term of the agreement from May 30, 2005 to November 30, 2005, and increasing the amount of compensation by \$58,000, for a total agreement amount not to exceed \$1,033,000. CEQA: Mitigated Negative Declaration, H02-064. Council District 5. SNI: East Valley/680 Communities. (Public Works)

Approved.

2.11 Approval of appointments to the Civic Plaza Parking and Traffic Committee.

Recommendation: Appoint Frank Penrose, a facilitator of the St. James Neighborhood Historic District Association advisory group and Larry Elcenko, a resident in the University Neighborhood to the Civic Plaza Parking and Traffic Committee, filling At Large Member vacancies. CEQA: Not a Project. (Public Works)

Approved.

2 CONSENT CALENDAR

2.12 Approval to amend an agreement for the Water Pollution Control Plant.

Recommendation: Approval of a second amendment to the agreement with YEI Engineers Inc., for consultant services for the project entitled, “San José/Santa Clara Water Pollution Control Plant: WPCP Electrical Systems Improvement Study,” amending the scope of services to include study, design, bid period services, and construction support services for the Switchgear M3/M4 Current Limiter Project, the Switchgear S2/S2A Current Limiter/Replacement Project, the Medium Voltage Cable Replacement Project, increasing compensation by \$396,000, for a total agreement amount not to exceed \$787,268; and extending the term of the agreement from June 30, 2005 to October 30, 2010. CEQA: Not a Project. (Environmental Services)
(Deferred from 4/26/05 – Item 2.9)

Approved.

2.13 Approval to amend the agreement for the independent external investigation of the Converged Network RFP process for the New City Hall.

Recommendation:

- (a) Adoption of a resolution authorizing the City Clerk to execute an amendment to the agreement with Hanson, Bridgett, Marcus, Vlahos, Rudy, LLP, to increase compensation by \$75,263.18 for providing investigation services related to the Converged Data network and Telephony System RFP process for the New City Hall, and for a total amount not to exceed \$150,263.18. (Mayor/City Clerk)

Resolution No. 72645 adopted.

- (b) Adoption of an appropriation ordinance amendment in the General Fund to:
- (1) Increase the non-personal appropriation in the City Attorney’s Office by \$90,264, and;
 - (2) Decrease the Contingency Reserve by \$90,264.
- (City Clerk/City Attorney/City Manager)

(Rules Committee referral 4/27/05)

Ordinance No. 27417 adopted.

2.14 Approval of fiscal actions related to the independent investigation of former Councilmember Terry Gregory.

Recommendation: Adoption of an appropriation ordinance amendment in the General Fund to:

- (1) Increase the Citywide expenses appropriation to the City Clerk’s Office by \$15,000; and,
- (2) Decrease the Contingency Reserve by \$15,000.

(City Clerk/City Attorney/City Manager)

(Rules Committee referral 4/27/05)

Ordinance No. 27418 adopted.

2 CONSENT CALENDAR

2.15 Approval of Council Member Williams Travel.

Recommendation: Approval of Council Member Williams' travel to New York and Boston, April 28-29, 2005, for the Federated Retirement Real Estate Due Diligence trip.
Funding: Retirement Services. (Williams)
(Rules Committee referral 4/27/05)
Approved.

3 STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session Mayor Gonzales, Chair There were none.

3.2 Report of the Rules Committee – April 20, 2005 Vice Mayor Chavez, Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
 - (1) Review May 3, 2005 Agenda
The Committee recommended approval of the May 3, 2005 City Council agenda with three additions.
 - (2) Add New Items to April 26, 2005 Agenda
The Committee recommended two additions to the City Council Agenda.
 - (3) List of Reports Outstanding
The Committee noted and filed the City Manager's Report.
- (c) Legislative Update
 - (1) State
 - (a) Assembly Bill 985 (Torrico): Labor: Military Duty
The Committee accepted the recommendation for the City to support Assembly Bill 985 (Torrico), which would prohibit an employer discharging or discriminating against an employee for taking time off to perform active military duty as a member of militia of this states as provided.
 - (2) Federal
There was no report.
- (d) Meeting Schedules
 - (1) Approval of the Revised 2005/2006 Budget Study Session Schedule
The Committee recommended approval of the revised 2005-2006 Budget Study Session Calendar.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – April 20, 2005 (Cont'd.)

Vice Mayor Chavez, Chair

(e) The Public Record

The Committee noted and filed the Public Record.

(f) Appointments to Boards, Commissions and Committees

(1) Mobile Home Advisory Commission

The Committee recommended appointment of Alice Esquivel as the neutral representative on the Mobile Home Advisory Commission for an unexpired term ending December 31, 2006.

(2) Airport Commission

The Committee recommended the re-appointment of incumbents Daniel Biesterveld and Rolayne Edwards to terms ending June 30, 2008.

(3) Arts Commission

The Committee recommended the re-appointment of incumbents Jill Arnone, Sharon Gustafson, and David Eisbach to terms ending June 30, 2008.

(4) Disability Advisory Commission

The Committee recommended the re-appointment of incumbents Susan G. Espinoza, Thomas Matola, and Barbara E. Stahl to terms ending June 30, 2008.

(5) Early Care and Education Commission

The Committee recommended the re-appointment of incumbents Mona Lemon, Bertha Martin, and Jemima Munoz to terms ending June 30, 2008.

(6) Library Commission

The Committee recommended the re-appointment of incumbents Timothy Karas and John Ramos to terms ending June 30, 2008.

(7) Parks & Recreation Commission

The Committee recommended the re-appointment of incumbents Patricia Eaton and Mary Ann Ruiz to terms ending June 30, 2008.

(8) Senior Citizens Commission

The Committee recommended the re-appointment of incumbent Marilou Cristina to a term ending June 30, 2008.

(9) Traffic Appeals Commission

The Committee recommended the re-appointment of incumbent Dale Osborn to a term ending June 30, 2008.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – April 20, 2005 (Cont'd.)

Vice Mayor Chavez, Chair

(g) Rules Committee Reviews, Recommendations and Approvals

(1) Approval of an Addition to the City Auditor's Workplan Related to Disability Retirement Issues

The Committee recommended adding an audit review of disability retirement issues to the City Auditor's work plan.

Council action deferred to 5/10/05.

(2) Request for Workload Assessment, Workplan, and Feasibility Study for the Silicon Valley Boys & Girls Club

The Committee directed the Administration to return to the Rule Committee on April 27, 2005 and provide a workload assessment, work plan, and feasibility study for the two options currently presented to determine how the City can assist in mitigating the Boys & Girls Club of Silicon Valley's deteriorating financial situation.

(3) Allocation Request from the Community Gift Trust Fund

The Committee recommended authorization of the allocation of \$250 from District 7's portion of the Community Gift Trust Fund for expenditure on the following community events:

- (1) King-Ocala Neighborhood Association clean-ups; and
- (2) McLaughlin Corridor clean-up.

(h) Oral Communications

There were none presented.

(i) Adjournment

The meeting adjourned at 2:20 p.m.

The Rules Committee Report and Actions of April 20, 2005 were accepted with the deferral of Item (g)(1) to 5/10/05.

3.3 Report of the Making Government Work Better Committee – April 21, 2005

Council Member Reed, Chair

(a) Marketing and Usage of the Compressed Natural Gas Facility at the Airport

The Committee accepted the staff report, and directed Staff to return with a status report in June 2005.

(b) Public Art Project Allocation Process

The Committee deferred this item to May.

(c) Northside Community Center

The Committee deferred this item to May.

3 STRATEGIC SUPPORT SERVICES

3.3 Report of the Making Government Work Better Committee – April 21, 2005 (Cont'd.)

- (d) Public Works Transportation Contract Cycles
The Committee deferred this item to June.
- (e) Semi-annual Recommendation Follow-up Report on All Outstanding Audit Recommendations for the Six Months Ended December 31, 2004
No Committee action was taken, but it was agreed in discussion that the Auditor's Office staff would consider a future work plan item to randomly review selected recommendations implemented some years ago, to ensure that there is ongoing compliance.
- (f) Environmental Services Department Laboratory
The Committee deferred this item to June.
- (g) Review of Work Plan
The Committee deferred this item to June.
- (h) Oral Petitions – **None.**
- (i) Adjournment
The meeting was adjourned at 1:20 p.m.

The Making Government Work Better Committee Report and Actions were accepted.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.1 Report of the Building Strong Neighborhoods Committee – April 18, 2005 Council Member Chirco, Chair

- (a) Greenprint Update and Discussion
The Committee accepted the staff report.
- (b) Multi-Service Delivery HUB Model Discussion
The Committee accepted the staff report.
- (c) Oral Petitions
Debra Grant addressed the Committee.
- (d) Adjournment
The meeting was adjourned at 2:27 p.m.

The Building Strong Neighborhoods Committee Report and Actions were accepted.

4.2 Report of the Driving a Strong Economy Committee Council Member Williams, Chair

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.3 Approval of actions related to Secondary Units.

Recommendation: Discussion and direction to Staff regarding the options regarding secondary housing units in the City, including the staff recommendation to proceed with a limited pilot program for secondary units in selected areas of the City. CEQA. Not a Project.

[Building a Strong Neighborhood Committee Referral 3/21/05 – Item 4.1(d) and Driving a Strong Economy Committee Referral 3/28/05 – Item 4.2(c)]

(Deferred from 4/19/05 – Item 4.6)

HEARD IN THE EVENING

Approved with staff direction to pursue Option 3 with parameters as outlined: (1) Consider using a variation of sizes of secondary units within the pilot program to determine which are most successful, i.e., 6,000 or 8000 sq. ft. units; (2) Address concerns raised by the Council and the community City-wide; (3) Look at issues of parking and total number of units, and after developing the criteria; (4) Return to the Driving Strong Economy Committee with a revised program report, including their recommendations to Council.

Noes: Campos, Chavez, Pyle, Yeager.

4.4 Public Hearing on proposed revisions to the City Council Policy on Post-Construction Urban Runoff Management.

Recommendation: Adoption of a resolution approving revisions to the Council Policy on Post-Construction Urban Runoff Management (Policy No. 6-29) to:

- (a) Require the installation of stormwater treatment control measures in new and redevelopment projects which create, replace or add 10,000 square feet or more of impervious surface and involve “Land Uses of Concern,” or require a permit or other direct approval from the Regional Water Quality Control Board (RWQCB);
- (b) Expand the Policy definition of “Land Uses of Concern” to include projects involving vehicle or equipment maintenance areas, including washing and repair, outdoor handling or storage of waste or hazardous materials, outdoor manufacturing area(s), outdoor food handling or processing, outdoor animal care, and outdoor horticultural activities where potential pollutant loading cannot be satisfactorily mitigated through other post-construction source control best management practices; and
- (c) Make a technical correction in the “Urban Core” definition related to the required proximity to a BART transit node.

CEQA: Exempt, PP05-012. (Planning, Building and Code Enforcement)

(Deferred from 4/19/05 – Item 4.3)

Deferred to 5/10/05.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.5 Approval of actions related to the Evergreen Specific Plan.

Recommendation:

- (a) Approval to appoint members to the Specific Plan Task Force.
(Mayor/Campos/Council District 7)
- (b) Council discussion on policy issues, desired outcomes and guidelines for discussion within Specific Plan process.
- (c) Approval to initiate an update to the Evergreen Development Policy and associated General Plan text. (Planning, Building and Code Enforcement)
(Referred from 4/19/05 – Item 4.7)

TO BE HEARD IN THE EVENING

Deferred to 5/17/05.

4.6 Approval of fiscal actions to fund the rehabilitation of homes owned by low-income residents within existing SNI areas.

Recommendation:

- (a) Adoption of a resolution:
 - (1) Authorizing the Director of Housing to accept a \$1,000,000 CalHome Program grant from the California Department of Housing and Community Development (HCD) to fund the rehabilitation of homes owned by low-income residents within existing SNI areas.
 - (2) Authorizing the Director of Housing to execute all documents necessary to implement the program.

Resolution No. 72646 adopted.

- (b) Adoption of the following appropriation ordinance and funding source resolution amendments in the Multi-Source Housing Fund (Fund 448):
 - (1) Increase the CalHome Program appropriation by \$1,000,000.
 - (2) Increase the estimate for Grant Revenue in the amount of \$1,000,000.

CEQA: Not a Project. SNI: All. (Housing/City Manager's Office)

Ordinance No. 27419 adopted.

Resolution No. 72647 adopted.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.7 Final Public Hearing and approval of the 2005-2010 Consolidated Plan and Annual Action Plan for FY 2005-06.

Recommendation:

- (a) Adoption of the 2005-2010 Consolidated Plan and 2005-2006 Annual Action Plan, including FY 2005-2006 proposed recommendations for the Community Development Block Grant (CDBG) Program, the HOME Investment Partnership Program (HOME), the Housing Opportunities for People with HIV/AIDS (HOPWA) Program, and the Emergency Shelter Grant (ESG) Program.

Approved.

- (b) Adoption of a resolution authorizing the Director of Parks, Recreation and Neighborhood Services to negotiate and execute all agreements and contracts, including any amendments or modifications, for the expenditure of CDBG funds on behalf of the City.

Resolution No. 72648 adopted.

- (c) Approval of the ESG program funding recommendations.

Approved.

- (d) Approval of the CDBG Program funding recommendations.

Approved. Noes: Chavez, Pyle, Reed.

- (e) Adoption of a resolution authorizing the Director of Housing to:

- (1) Negotiate and execute all agreements and contracts, including any amendments or modifications, for the expenditure of ESG, HOME and HOPWA funds on behalf of the City.
- (2) Submit the 2005-2010 Consolidated Plan and 2005-2006 Annual Action Plan to HUD.

CEQA: Not a Project. (Housing/Parks, Recreation and Neighborhood Services

Resolution No. 72649 adopted.

5 RECREATION & CULTURAL SERVICES

5.1 Report of the All Children Achieve Committee Council Member Yeager, Chair

There were none.

5 RECREATION & CULTURAL SERVICES

5.2 Approval of an agreement for skate park services at Lake Cunningham.

Recommendation: Approval of a consultant agreement for skate park project management and design services with Beals Alliance, Inc. for the Lake Cunningham Regional Park for a term beginning April 1, 2005 through March 31, 2008, in an amount not to exceed \$500,000. CEQA: Not a Project. Council District 8. (Parks, Recreation and Neighborhood Services)
(Deferred from 4/19/05 – Item 5.4)

Deferred to 5/10/05.

5.3 Approval of master agreements related to various trail projects.

Recommendation: Approval of Master Agreements with:

- (a) Callander Associates Master Agreement with Callander Associates Landscape Architecture, Inc. for a variety of planning, development and construction support services for trail projects from the date of execution through April 30, 2010, in an amount not to exceed \$850,000.
- (b) CH2M Hill Master Agreement with CH2M HILL, Inc. for a variety of planning, development and construction support services for Various Trail Projects from the date of execution through April 30, 2010, in an amount not to exceed \$850,000.

CEQA: Not a Project. (Public Works/Parks, Recreation, and Neighborhood Services)
(Deferred from 4/26/05 – Item 5.5)

Approved.

6 TRANSPORTATION SERVICES

6.1 Report of the Building Better Transportation Committee Council Member Campos, Chair

There were none.

7 ENVIRONMENTAL & UTILITY SERVICES

7.1 Approval of agreements for projects at the Water Pollution Control Plant.

Recommendation:

- (a) Approval of an agreement with Carollo Engineers, from April 30, 2005 to June 30, 2007, for engineering studies, preliminary and detailed design, preparation of bidding documents, and office engineering support services pertaining to design during construction for the Water Pollution Control Plant alternate disinfection, concrete repair, electrical system review/coordination and absorption chiller replacement projects, in an amount not to exceed \$596,000 for basic services, plus \$75,000 for additional services, for a total not to exceed contract amount of \$671,000 and a term of two (2) years.

Approved.

- (b) Adoption of a resolution authorizing the Director of Environmental Services to negotiate and execute an amendment to the agreement with Carollo Engineers, subject to the appropriation of additional funds by the City Council, to modify the scope of services to add engineering studies, preliminary and detailed design, preparation of bidding documents, and office engineering support pertaining to design during construction for the Water Pollution Control Plant transmission pump station frequency drive replacement project, increasing the maximum compensation for basic and additional services by \$150,000 and increasing the total not to exceed contract amount of \$821,000.

CEQA: Not a Project. (Environmental Services)

(Deferred from 4/26/05 – Item 7.1)

Resolution No. 72650 adopted.

Staff directed to provide an informational memo outlining the Master Plan for the proposed project.

8 AVIATION SERVICES

8.1 Acceptance of the status report on living wage issues related to the Airport Rental Car Agreements.

Recommendation: Acceptance of report regarding rental car operations at the Norman Y. Mineta San José International Airport, including analysis of implementation of living wage provisions in rental car agreements at other California airports, status of discussions with rental car companies regarding proposed living wage provisions, financial terms of proposed agreements and framework for relocation of rental car operations at the Airport to the former FMC site, and take appropriate action based on review of the report.

CEQA: Resolution Nos. 67380 and 71451, PP05-038. (Airport/City Manager's Office)
(Referred from 3/29/05 – Item 8.1)

Council approved a memorandum from Vice Mayor Chavez, Council Members Campos and Pyle, dated May 3, 2005, recommending direction to staff to negotiate an extension to the current agreements with the rental car companies that requires the implementation of the San José Living Wage Policy in accordance with one of the following two phase – in plan options: (1) A. Phase 1: September 1, 2005, all employees earning less than a living wage will receive a raise equal to 50% the difference between their hourly pay and the living wage; B. Phase 2: By March 1, 2006, the full living wage level will apply, or, (2) Single Phased Implementation of the living wage level by January 1, 2006.

Noes: Gonzales.

9 PUBLIC SAFETY SERVICES

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

The Redevelopment Agency Board to consider Item 10.1 in a Joint Session convened at 3:24 p.m.

10.1 Approval of actions for the Nisich Neighborhood Park Land Acquisition.

Recommendation:

(a) Actions by the City Council to:

- (1) Adopt a resolution authorizing the City Manager to negotiate and execute an agreement in the amount of \$1,600,000 with Louis M. Nisich, Louis M. Nisich, Jr., Gaylen L. Nisich & Anthony J. Nisich for the purchase of real property located at 1484 Suzay Court and 1487 Nisich Drive (APN: 477-55-105 & 106) (Property); and authorizing the Director of Public Works to execute any additional documents necessary to complete the purchase of the Property.

Resolution No. 72651 adopted.

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

10.1 Approval of actions for the Nisich Neighborhood Park Land Acquisition. (Cont'd.)

Recommendation:

- (2) Adopt a resolution making certain determinations regarding the expenditure of Redevelopment Agency Funds for the acquisition of property that will be publicly owned.

Resolution No. 72652 adopted.

- (b) Actions by the City Council and Redevelopment Agency Board to approve a Cooperation Agreement between the City and the Redevelopment Agency, providing for the Agency's transfer of \$1,600,000 to an Escrow Account for the purchase of the Property.

CEQA: Exempt, PP05-027. Council District 7. SNI: Tully/Senter. (City Manager's Office/Redevelopment Agency)

(Deferred from 4/19/05 – Item 10.1)

Approved.

The Redevelopment Agency Board portion of the meeting adjourned at 3:24 p.m.

- **Closed Session Report**
None.
- **Notice of City Engineer's Pending Decision on Final Maps**
In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
9664	N/S of Blossom Hill Road, opposite terminus of Croydon Avenue	9	San José Conservation Corps	7 Units	Single- Family Detached

Dropped.

- **Open Forum—**
Ross Signorino, Ballpark Tax Watchdogs, spoke in favor of building a ballpark in San José, noted opposition to any new tax to fund it.

11 PUBLIC HEARINGS

(Heard by the City Council at 7:00 p.m.)

11.1 Public Hearing on a Planned Development Rezoning on a 2.35 gross acre site, located on the southeast corner of Great Oaks Blvd. and Via Del Oro.

Recommendation: Public Hearing and consideration of an ordinance on Planned Development Rezoning from IP Industrial Park Zoning District to A(PD) Planned Development Zoning District to allow a portion of an existing, industrial park building to be used for a gymnastics training center and to allow a reduction in the required parking ratio for the gymnastics training center use on a 2.35 gross acre site, located at the southeast corner of Great Oaks Boulevard and Via Del Oro (100 Great Oaks Blvd.) (Span Partners LP, Owner; Dave Petersen, California Sports Center, Developer). Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1). CEQA: Resolution No. 70021.

PDC05-018 – District 2

Ordinance No. 27420 passed for publication.

11.2 Public Hearing on Conventional Rezoning from R-2 Two-Family Residence Zoning District to R-M Multiple Residence Zoning District.

Recommendation: Public Hearing and consideration of an ordinance on Conventional Rezoning from R-2 Two-Family Residence Zoning District to R-M Multiple Zoning District to allow residential uses on a 0.20 gross acre site, located at the northeast corner of Younger Avenue and North 6th Street (257 E. Younger Ave.) (Roy Family Partnership, Owner). Director of Planning, Building and Code Enforcement recommend denial and Planning Commission forwards no recommendation (3-3-1). CEQA: Resolution No. 65459.

C04-102 – District 3

Deferred to 5/17/05.

11 PUBLIC HEARINGS

11.3 Public Hearing on a Planned Development Rezoning from HI Heavy Industrial Zoning District to A(PD Planned Development Zoning District.

Recommendation: Public Hearing on and consideration of approval of an ordinance on Planned Development Rezoning from HI Heavy Industrial Zoning District to A(PD Planned Development Zoning District to allow up to 104 single-family detached residences on a 7.6 gross acre site, located on the northeasterly side of Campbell Avenue, approximately 1000 feet northwesterly of Newhall Street (1180-1184 Campbell Avenue) (MMAD Investments, Owner/Andre Hunt-Santa Clara Development Co., Developer). Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (4-2-1) of the project with staff-recommended conditions, including potentially reducing the unit count to 96 units to allow more parking on site, and wider paseos throughout the project as recommended by staff. CEQA: Mitigated Negative Declaration.

PDC04-068 – District 3

Ordinance No. 27421 passed for publication.

Council approved a memorandum from Vice Mayor Chavez and Council Member Yeager, dated May 3, 2005, recommending Council approve the proposed 104-unit rezoning with the following modifications: (1) At the PD Permit Phase, direct staff to pursue the following changes proposed by the applicant to address outstanding concerns; (a) Minimum Paseo width of 16-18 feet, (b) Increase the number of on-site parking spaces from 85 to approximately 98 spaces, (c) Trees along the street frontages that provide a tall, large canopy when mature, (d) Traffic calming elements along Campbell Avenue, (d) Continued design refinement that seeks to incorporate architectural elements reflective of the neighborhood; (2) Direction to staff to conduct a neighborhood meeting prior to the Director's Hearing for the PD Permit; and (3) Pursuit of the acceptance of the developer's offer to donate \$18,750 to the City of San José to be used towards master planning efforts of the Campbell Avenue area.

11.4 Public Hearing on a Conforming Prezoning from County to R-1-8 Residential District.

Recommendation: Public Hearing on and consideration of approval of an ordinance on Conforming Prezoning from County to R-1-8 Residential District to allow residential use on a 0.13 gross acre site, located on the west side of Richmond Avenue, approximately 150 feet north of Scott Street (Leonard Lao, Owner). Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required. SNI: Burbank/Del Monte. CEQA: Resolution No. 65459.

C05-011 – District 6

Ordinance No. 27422 passed for publication.

11 PUBLIC HEARINGS

11.5 Public Hearing on a Conforming Rezoning from CP Commercial Pedestrian Zoning District to R-1-8 Residence Zoning District.

Recommendation: Public Hearing on and consideration of approval of an ordinance on Conforming Rezoning from CP Commercial Pedestrian Zoning District to R-1-8 Residence Zoning District to allow residential uses on a 0.13 gross acre site, located at/on the south side of Bailey Avenue, 150 feet westerly of North Bascom Avenue (2216 Bailey Ave) (Abtahi Hamid, et al., Owner). Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required. SNI: Burbank/Del Monte. CEQA: Resolution No. 65459.
C05-016 – District 6

Ordinance No. 27423 passed for publication.

11.6 Public Hearing on Planned Development Rezoning from R-1-2 Residential Zoning District to A(PD) Planned Development Zoning District.

Recommendation: Public Hearing on and consideration of approval of an ordinance on Planned Development Rezoning from R-1-2 Residential Zoning District to A(PD) Planned Development Zoning District to allow up to 12 single-family attached residential units on a 0.57 gross acre site, located on the west side of Dent Avenue, approximately 320 feet southerly of Branham Lane (4965 Dent Avenue) (Edward F. and Judith R. Infantino, Trustee, Owner). Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1). CEQA: Negative Declaration.
PDC04-080 – District 9

Ordinance No. 27424 passed for publication.

- **Open Forum**

- 1) Carol Ashman, Bill Ashman, Steve Bennet, Ron Garcia, Ellie Glass, and Alan Covington individually expressed concerns about the Evergreen Specific Plan.

- **Adjournment**

The Council of the City of San José was adjourned at 9:24 p.m., in honor of Brenda Durkin, who passed away from Breast Cancer; and in memory of Helen Hansen, Founder and Executive Director of Catholic Charities for 30 years.

Joint Redevelopment Agency/Council meeting

The Joint Redevelopment/Council meeting convened at 3:26 p.m.

8.1 City Council and Redevelopment Agency Board actions to authorize a Purchase and Sale Agreement with Sobrato Development Companies for the sale of Agency-owned property at the southwest corner of Balbach Street and Almaden Avenue.

Recommendations:

- (a) Adoption of a resolution by the City Council accepting the summary of costs and findings of the Summary 33433 Report pursuant to the California Health and Safety Code Section 33433 for the purchase and sale of an approximately 2,800 square foot parcel of Agency-owned Property at the corner of Balbach Street and Almaden Avenue

Resolution No. 72653 adopted.

- (b) Approval by the Redevelopment Agency Board of a Purchase and Sale Agreement with Sobrato Development Companies for the sale of the Property for a purchase price in the amount of \$181,935, plus related closing costs; and,

Approved.

- (c) Adoption of a resolution by the Redevelopment Agency Board approving the addition of \$181,935 to the FY 2004-2005 Adopted Other/ Miscellaneous revenue, and amending the FY 2004-2005 Agency revenue resolution.

CEQA: Exempt. File No. PPO5-050 [MERGED]

Resolution No. 5600 adopted.